

HAMILTON COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 27, 2004

The Hamilton County Board of Commissioners met on Monday, September 27, 2004 in the Commissioner's Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A. President Dillinger called the public meeting to order at 1:20 p.m. A quorum was present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

**Approval of Minutes:**

Holt motioned to approve the September 15, 2004 minutes. Altman seconded. Holt and Altman approved. Dillinger abstained.

**Executive Session Memoranda:**

Altman motioned to approve the Executive Session Memoranda of September 27, 2004. Holt seconded. Motion carried unanimously.

**Plaque Presentation to Bob Hendericks:**

The commissioners presented a plaque to Bob Hendericks in recognition of 13 years of service to Hamilton County as the Hamilton County Emergency Management Agency Director.

**Bid Opening [1:25:30]**

**Fire Protection Design:**

Mr. Michael Howard opened the bids for the Fire Protection Design for the Hamilton County Historic Courthouse. Form 96, Non-Collusion Affidavit, Bid Bond were included unless otherwise specified. 1) Dalmatian Fire, Inc. - \$132,500. 2) Grunau - \$90,500. Altman motioned to refer the bids to Scott Warner, Buildings and Grounds, for review and recommendation later in today's meeting. Holt seconded. Motion carried unanimously.

**Plat Approvals**

**Townes at Weston Pointe:**

**Fox Hollow, Section 3:**

Mr. Steve Broermann presented the plats for Townes at Weston Pointe, Section 1 and Fox Hollow at Geist, Section 3 for approval. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Highway Business [1:28:27]**

**Road Cut Permits:**

Mr. Jim Neal requested approval of Open Road Cut Permit, RDCUT 2004-027, for Excavating Plus, Inc. For 770' south of 106th Street on Delaware Street. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Highway Department:**

Neal requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-04-0089 - Bond Safeguard Insurance Company for Precedent Residential Development, LLC for Fox Hollow at Geist, Section 3 - Street Signs \$4,350.00. 2) HCHD #B-04-0090 - Bond Safeguard Insurance Company for Precedent Residential Development, LLC for Fox Hollow at Geist, Section 3 - Asphalt Plan - \$7,210.00. 3) HCHD #B-04-0091 - Bond Safeguard Insurance Company for Precedent Residential Development LLC for Fox Hollow at Geist, Section 3 for concrete curbs, H.A.C. Binder and H.A.C Surface - \$38,437.00. 4) HCHD #L-04-0013 - Fifth Third Bank Letter of Credit No. CIS402810 for The Marina Limited Partnership for Canal Place, Section 3 streets and curbs - \$9,491.00. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Agreements [1:30:21]**

**Bridge #76 Engineering Agreement:**

Neal requested approval of Engineering Agreement, HCHD #E-04-0008, with DLZ Indiana, LLC for the design of Bridge #76, Ray Parker Road over Bear Creek. The agreement does not include final design or inspection. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Geist Harbours Non-standard Street Signs Agreement:**

Neal requested approval of a Statement of Agreement and Liability, HCHD #M-04-0036, for non-standard street signs in Geist Harbours. Holt motioned to approve. Altman seconded. Motion carried unanimously. Neal stated this takes care of the Masthead Street Sign Correspondence tabled on June 23, 2003.

**Acceptance of Streets:**

**Shelborne Green Sections 1-7:**

Neal recommended acceptance of streets for Shelborne Green Subdivision, Sections 1-7 for a total of 3.66 miles. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Concurrence with Correspondence:**

Neal requested approval with the list of correspondence concerning investigations of requests for signage on Hamilton County Roads dated September 27, 2004. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Official Actions**

**Shelborne Green, Sections 1-7, Regulatory Signs:**

Neal requested approval of official actions for Shelborne Green, Sections 1-7 for installation of regulatory signs. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Request to Advertise**

**Patching Contract 04-16:**

Neal requested permission to advertise for Patching Contract 04-16, Jackson, Washington and Noblesville Townships. Holt motioned to approve. Altman seconded. Motion carried unanimously. Holt asked if we are doing crack sealing? Mr. Brad Davis stated no. Mr. Bob Davis stated the highway department does not have the equipment to do it in-house. Holt stated in terms of pavement maintenance we were looking at whether that would be a good investment to do it ourselves. Bob Davis stated he thinks it would be a good investment. Holt asked for this item to be put on Friday's agenda.

**Commerce Road Extension Consultant Selection:**

Neal requested the selection of a consultant for the Commerce Road Extension be tabled until Friday or the October 11, 2004 meeting. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**106th Street and College Avenue Partial Closure:**

Mr. Joel Thurman updated the commissioners on the 106th Street and College Avenue intersection project. The project was let in November 2003, awarded in January, pre-construction meeting was held in January 2004. There were additional utility conflicts identified at that time and the notice to proceed was not given to the contractor until approximately 30 days of what was anticipated. At that time the contract stated the project was going to be done under

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traffic with a completion date of November 19, 2004. The contract was extended another 30 days due to a late notice to proceed. The storm sewer portion of the project which included this intersection north to I-465. During the storm sewer portion there were utility problems which delayed the contractor. The contractor chose to keep working. It is our opinion that the contractor showed a good faith effort in skipping areas that were conflicts and kept working. This is why we are behind schedule. Per the contract there are three phases of construction. We are currently in Phase 1 and are very close to being done with Phase 1. The next phase presents problems including the maintenance of traffic. We are uncomfortable proceeding on with the proposed plan of traffic and where we will be at the end of November. The worst case scenario is that we are in Phase 2 when winter hits. Having experienced Phase 1 construction and how traffic is traversing the area and problems we have with drop-offs at the edges of road and driveways, the timing of the signal and a very busy fire station at this intersection, knowing that Phase 2 will be a tighter phase and how much room we will have for the traveling public to use we see it as a problem. We can still go forward as planned and make it work, but the highway department still has a concern that Phase 2 will not be done prior to winter and we will be stuck with a condition during winter that is not desirable. We have brain stormed with the contractor and we are proposing and requesting a partial closure. The closure would consist of closing 106th Street from Bellfontaine to Park Avenue. Staggered barricades will be set at Westfield Boulevard and Pennsylvania. A detour route will be signed using Pennsylvania, 111th Street and Westfield Boulevard. We propose the closure take place starting October 4th for approximately four weeks. It would be open no later than November 1st. This closure would allow traffic to be on 106th Street sooner. It would give us an advantage from the proposed plan that we could get the remaining work with the exception of the surface course completed before the end of the year. All work from curb to curb with the exception of surface, permanent pavement markings and possibly some sidewalk beyond curb would not be completed at winter time. If all goes well, it is possible those items could be done this year. The closure would speed up the job. They have spoken with the fire department, the Clay Township Trustee and Mike McBride from the City of Carmel. Carmel has a project that is scheduled to begin in March 2005 on 116th Street from College Avenue to Westfield Boulevard which includes a couple of bridges for the Monon and it will be a partial closure. The Carmel Engineering Department would be in favor of our closure if it is a matter of choice to close now for approximately one month or some of the work extending to next Spring. Altman asked if there is a commitment from the contractor that they will accelerate work to meet this time frame? Thurman stated it is advantageous to them, it is the contractor's desire to try and get it done this year. Up to this point they have been working 12-14 hour days for a lot of the project. They have mentioned bringing in a second crew to get the work done. We have said the re-opening date is November 1st and we will require the road to be open when traffic can travel the road safely. Holt stated if you are committed to doing this, why wait a week to implement it? Thurman stated the thought of waiting a week is to try and get notice out and get signs up giving motorists a notice of closure. Holt asked if 48 hours was not enough time to do that? Thurman stated we could do that. The thru traffic will be most affected. Holt asked if the contractor is working Saturdays and Sundays? Thurman stated the contractor is not working Sundays but they have been working Saturdays. Altman stated there is a significant issue with safety. She wants the barrels roped off when the contractor leaves. Holt asked to get signage out this afternoon and close it Wednesday? Neal stated it is a question if the contractor will be able to do any work that quickly. Thurman stated we can proceed that way, as soon as we get the signs we will have them up for 48 hours. The signs could go up tomorrow morning. Holt motioned to move forward, get signage up ASAP and close it Thursday. Altman seconded. Motion carried unanimously.

**Friday Highway Meeting:**

Mr. Brad Davis reminded the commissioners of the Friday morning highway meeting at 7:30 a.m.

**Auction:**

Davis stated the equipment auction went very well. Everything was sold.

Dillinger called a break in the meeting. [1:53:57]

Dillinger called the meeting back to order. [2:07:55]

**Application for Private Fire Service for Juvenile Detention Center:**

D.J. O'Toole, Paul I. Cripe, stated Indiana American Water requires owners signatures on the Application for Private Fire Service. O'Toole is requesting the signatures so they can proceed with installing the water for the Juvenile Detention Center project. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Bid Award**

**Fire Protection Design:**

Mr. Scott Warner stated he has reviewed the bids for the design of a Fire Protection Service for the historic courthouse with the engineers and they recommend the bid be awarded to Grunau. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Steven J. Christian & Associates:**

Mr. Steven J. Christian introduced Shelly Haney and Greg Huyck of Stephen J. Christian and Associates, a civil engineering firm that does transportation related type services. They do bridge inspections, design of bridges and bridge rehabilitations, road design, intersection improvements, etc.

**Sales Disclosure Data Request:** [2:13:58]

Ms. B.J. Casali stated the ISS Department has received a request for digital data of Sales Disclosures. This vendor already receives the information in paper form. Casali stated she has contacted AIC and has not received a response back as to what counties are offering sales disclosure data on the Web or in digital form. Vanderburg County does offer sales disclosure data on their Web site. The information is minimal but you can find out who owns the property, who the previous owner was, the sales price of the property and the property record card. Casali stated the data available includes the seller, the buyer, the selling price of the home, etc. Casali asked if the commissioners are interested in providing this information and what data should be cleansed or should this vendor receive all the available data? Altman stated these are the sales disclosures that people were told were confidential, by the State and required by the State and then the State, without warning, removed that issue and made them public records. We have to make them available upon public records request, but she sees not reason to have ISS do any work on this. If they want to come in and request this information, that is fine but she is opposed to electronically submitting it. Casali stated the Assessor's office makes the data available and they have been providing print-outs of this information so they can do more in depth analysis. Holt motioned to decline their offer. Altman seconded. Motion carried unanimously.

**Harger Rezone Request:** [2:17:27]

Mr. Chuck Kiphart stated the Harger's have requested to rezone property located at 16222 Prairie Baptist Road, Noblesville form an R2 to an R4, Agricultural Business. This would allow them to start a winery and eventually build facilities for wine tasting and small parties. The size of the property is 10 acres. Ms. Rebecca Harger presented

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information and their goals for the winery. Holt motioned to approve the rezone. Altman seconded. Motion carried unanimously.

**Commissioner Committee Reports**

**Regional Transportation Ordinance:**

Altman stated the Marion County has adopted the base ordinance creating the Regional Transportation Authority. Altman requested Mike Howard review the information for adjoining counties. The actual adoption of the ordinance that would bring us in to the Regional Transportation Authority would be passed by the county council as the fiscal entity. Altman requested the ordinance be placed on the Council's October meeting agenda. The Marion County ordinance did indicate that the executive appoints for Hamilton County. We need to join as a county. Altman asked Brad Davis to get a signed copy of the ordinance for Howard's review.

**Juvenile Detention Center Pod D:**

Altman stated during the bid awards for the Juvenile Detention Center we accepted the bids and held the bid on Pod D. Altman stated she has met with the architect and project manager and reviewed whether the pod could be used for other options such as a temporary dispatch or temporary EOC until the pod is needed for juvenile purposes. A conclusion was reached that with double bunking we can initially double bunk 20% of the juveniles and be within guidelines. We can double bunk the entire facility and be within statutory guidelines, but not with the recommendations. The proximity of the pod to the rest of the complex did not lend itself for alternate uses. We toured the existing facility in terms of dispatch and EOC and the logical way to maximize that building is to push out to the south. Altman motioned to release the bid hold on the option to shell out Pod D and we proceed with the project as accepted at our previous meeting. Holt seconded. Motion carried unanimously.

**Homeland Security Grant:**

Altman stated they have a meeting with Marion County regarding the Homeland Security UASI Grant on October 5th. We will formally request that our projects be funded.

**Planning Commission Office Relocation:** [2:32:50]

Dillinger stated the commissioners have received a letter from the judges and he asked Mr. Swift to write a draft letter in response. Dillinger asked for comments from his fellow commissioners. Altman stated she asked Scott Warner to look at the consultation rooms, there are apparently rooms on each floor that remained locked, they are furnished, have no phones and do not have glass panels. Holt stated we have always been mindful of the concerns of the office holders in the building and can't remember a time where we have not heard them out. They wanted to have a dialogue with us about issues that affected both of us. This letter does not accept the judges request that we meet with them, he could not support this letter. As a common courtesy we need to sit down and hear them out. Holt stated when we met with the judges they believed we were moving forward to a common goal and expanding in to the rooms on the north side of that space was not something that was in jeopardy at that meeting. Dillinger suggested modifying the letter, telling them what we have planned and we will be willing to meet with them but as of this date this is what is going on. Altman stated she is not advocating altering plans at this point but that they seem we are gung ho on finishing out the hearing rooms, which has never been discussed other than hearing their request. Altman stated she wants to be on the same page and does not want to delay this project. Dillinger stated he is more than willing to meet with them but we should still send a letter prior to the meeting stating what our intentions are and the dates we intend to do it and we will meet with them. We need to give the judges written notice of what we have previously voted on. The meeting will be scheduled for October 11th at 11:30 in Conference Room 1A.

**Attorney** [2:43:42]

**Barnes & Thornburg Engagement Letter:**

Mr. Mike Howard requested approval a Letter of Engagement with Barnes & Thornburg in connection with a dispute with the Indiana Department of Revenue. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Precinct Approval:**

Ms. Kathy Richardson requested approval of the precincts for the November 2, 2004 Election. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Alt & Witzig Agreement:**

Howard requested approval of an agreement with Alt & Witzig for testing services for the Juvenile Detention Center. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**96th-421 Economic Development Area:**

Howard presented a Memorandum of Understanding Concerning the Development Within the 96th-421 Economic Development Area. Howard described the Duke Construction projects and the extension of Commerce Drive and improvement of 96th Street. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Administrative Assistant**

**Carmel Veterans Memorial:**

Mr. Fred Swift stated Wayne Long, Veteran Service Officer, has requested approval of a one time contribution of \$5,000 in support of the Carmel Clay Veterans' Monument. Veterans has the money in their transportation fund and will request a transfer of the funds into a new line item. Altman motioned to request Wayne Long to spend out of the Veterans unexpended funds of \$5,000 for a contribution to this memorial for 2004 with a letter indicating it is for 2004 and we will consider additional requests if funding is available. Holt seconded. Motion carried unanimously.

**Commissioner and Council Minute Books:**

Swift stated due to the upcoming Auditor's office reconfiguration the Commissioner and Council minute books have been scanned and will be stored in the sub-basement. Swift requested permission to store the books in the open area behind his office. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Christmas Luncheon & Training Session:**

The consensus of the Commissioners was to hold the 2004 Christmas Luncheon and Training Session on Wednesday, December 22, 2004 from 11:30-1:30 p.m. Offices will close for those two hours. The December 27th Commissioner's meeting will be rescheduled for 11:00 a.m. on December 22, 2004. Dillinger stated he has requested quotes to cater the luncheon. The Uptown Cafe came back as the least expensive. Holt and Altman agreed.

**DLGF Request for Office Space:**

Swift stated the Department of Local Government and Finance has requested desk space for their local field representative. They are currently housed in the Auditor's office and with the Auditor's office reconfiguration we need to find a place for this person. Swift suggested the office that previously housed Jim Vaughn is empty and would be suitable. The commissioners agreed.

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**NAACO Dues:**

Swift stated we have received an invoice for the NAACO dues for 2005 in the amount of \$2,250. Swift stated there is not enough money to join AIC and NAACO next year. Altman asked Swift to bring what the commissioner's 2004 budget will have left this year to the next meeting.

**Red Cross:**

Swift stated the Red Cross has called him and asked what the status was on their offer to sell the building to the county. Howard stated the resolution to hire the appraisers is on the October council agenda.

**Weights and Measures Inspector:**

Swift stated the State Department of Weights and Measures has asked the commissioners to name a permanent inspector so he can be certified. Altman motioned to appoint Carey Woodard as our Weights and Measures Inspector. Holt seconded. Motion carried unanimously.

**Sheriff**

**Jail:**

Sheriff Doug Carter stated the power was cut to the jail this morning by construction crews and the generator is running.

**Radio:**

Sheriff Carter stated the radio project is moving along.

**Shell Station:**

Holt asked Howard what the status was on the Shell station? Howard stated Tim Knapp has spoken with the owner to get permission for soil borings. The owner was providing an opportunity for Shell to weigh in. Howard stated we may have to get a court order to get the soil borings.

**Auditor [3:22:25]**

**Liability Trust Checking Account:**

Ms. Robin Mills requested increasing the escrow amount of the Liability Trust Checking Account to \$40,000 due to Worker's Compensation claims now being paid out of that account. Altman asked if this effects the check amounts or just the volume of checks going through that account? Mills stated it is just the volume of checks. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Liability Trust Claim:**

Mills requested approval of a Liability Trust Claim payable to St. Paul Travelers in the amount of \$2,000. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Clerk of the Circuit Court Monthly Report:**

Mills requested acceptance of the August, 2004 monthly report from the Clerk of the Circuit Court. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Treasurer's Monthly Report:**

Mills requested acceptance of the August, 2004 monthly report from the Treasurer. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Payroll Claims:**

Mills requested approval of Payroll Claims for the period of August 30-September 12, 2004 paid September 24, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Vendor Claims:**

Mills requested approval of the Vendor Claims to be paid September 28, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Holt motioned to adjourn. Altman seconded. Motion carried unanimously.

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Correspondence

IDEM Notice of Public Comment:  
    Indianapolis Woodworking, Inc.

IDEM Notice of Sewer Permit Applications:  
    The Reserve at Geist, Phase Two - Noblesville  
    Andover Villas - Westfield  
    Andover Gardens - Westfield  
    Andover, Section 3 - Westfield  
    The Horizons at Cumberland Pointe, Section 1 - Noblesville  
    Central Park - Carmel  
    Fishers Trade Center, Phase Four - Fishers  
    Lakeside Park Subdivision, Section 3 & 4 - Carmel  
    Claybourne, Section 3 - Carmel

IDEM Notice of Appeal Rights:  
    Fishers Trade Center, Phase Four - Fishers  
    Fishers Town Commons - Fishers  
    Limestone Springs, Section 1 & 2 - Fishers  
    Westminster at Fishers, Section 2 - Fishers  
    Seven Oaks - Fishers  
    Andover, Section 1 - Westfield  
    Deer Path, Sections 9 & 10 - Noblesville  
    Lakeside Park, Section 3 & 4 - Carmel  
    Austin Oaks Force Main US 421 Extension - Carmel & Zionsville

Certificate of Liability Insurance:  
    Murphy Putnam Media

Present

Christine Altman, Commissioner  
Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
Robin M. Mills, Auditor  
Kim Rauch, Administrative Assistant to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, Attorney  
Doug Carter, Sheriff  
Brad Davis, Highway Director  
Jim Neal, Highway Engineer  
Virginia Hughes, Administrative Assistant to Highway Engineer  
Amber Emery, Highway Public Service Representative  
Dave Lucas, Highway Inspector  
Robert Chadwell, Highway Inspector  
Steve Broermann, Highway Technical Engineer  
Mark Fisher, Highway Technical Engineer  
Christopher Burt, Highway Staff Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Joel Thurman, Highway Project Engineer  
Matt Knight, Highway Staff Engineer  
Mike McBride, Small Structure Staff Engineer  
Faraz Kahn, Highway Department  
Kathy Howard, Highway Department  
Bob Davis, Highway Superintendent  
Scott Warner, Buildings and Grounds  
David Bice, EMA  
Bob Hendericks, EMA  
Jake West, Rieth Riley Construction  
Doug Sheridan, Bid Opening  
Glenn Roberts, Bid Opening  
Becki Wise, USI  
Floyd Burroughs, FEBA  
Jeff Hill, The Corradino Group  
D.J. O’Toole, Juvenile Detention Center  
Charles Kiphart, Planning Commission  
Brian Harger, Rezone  
Rebecca Harger, Rezone  
Steve Christian, Stephen J. Christian & Associates  
Greg Huyck, Stephen J. Christina & Associates  
Shelley R. Haney, Stephen J. Christian & Associates  
BJ Casali, ISSD Manager  
Kathy Richardson, Voter’s Registration

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST

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Robin M. Mills, Auditor